

ANDOVER BOARD OF HEALTH
Minutes
April 7, 2008, 6 P.M.
1st Floor Conference Room
36 Bartlet Street

The Board of Health meeting was called to order at 6:08 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Margaret N. Kruse, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Dr. Donald H. Miller, Vice-Chairman, was not present due to a scheduling conflict.

I. Approval of Minutes

- **March 10, 2008**
 - On page 4, under “**MA Public Health Regionalization Project**” in the first paragraph, add “and to avoid creating another unfunded mandate.” to the end of the last sentence.
 - On page 4 under “**Merrimack Valley Pediatric Asthma Report**”, first sentence, change “**Ms. Kruse** stated that she had noted the Soundoff column...” to “**Ms. Martin** stated that she had noted the Soundoff column...”
 - On page 4 under “**Merrimack Valley Pediatric Asthma Report**”, before last sentence, add “Ms. Kruse commented on the study's conclusions: if higher asthma rates are due to proximity to major roads, do the higher asthma rates in the Merrimack Valley mean that more people live closer to major roads in the Merrimack Valley than elsewhere?”

Motion by Ms. Martin, seconded by Ms. Kruse to approve the Minutes of the Meeting of March 10, 2008 with the changes noted above. Unanimous approval.

II. Appointments & Hearings

- **6:00 p.m. – Public Hearing – Wayne Puglisi for Lazer Lax Lacrosse Camp at Andover High School, 80 Shawsheen Road** – The Board did not hold the Public Hearing at 6 p.m. because Mr. Puglisi was not present. Later in the evening the Board discussed approval of the new camp. Mr. Carbone explained that any new camp must be approved by the Board, but that the approval starts before all paperwork and records are submitted because some information may not be available, such as Health Care Provider information. That is why the approval is held until all required paperwork and records are reviewed and approved by staff. Mr. Carbone recommended approval, pending staff approval upon submission of all required records and paperwork.

Motion by Ms. Martin, seconded by Ms. Kruse, to approve the Lazer Lax Lacrosse Camp with the condition that all required paperwork and records be submitted and staff verifies all paperwork and records are completed to their satisfaction. Unanimous approval.

III. Discussion

- **Anti-Blight Bylaw** – Attending the meeting were neighbors to 27 Kirkland Drive, Dr. Sotera and Mr. McLarney, as well as Rebecca Bachman from the League of Women Voters. Discussion followed with some of the same issues that have been discussed in the past, such as unsightly objects in the yard, high grass, trash and garbage, as well as the lowering of property values in the surrounding neighborhood. Since the wording continues to state “nuisance” as a violation of the Bylaw, the Board was very concerned that the Health Division staff would be selected to enforce this Bylaw. The Board stressed that the Health Division already acts under Massachusetts General Laws when there is a “nuisance” to the public health, and that no additional Bylaw is needed. The Board reminded the neighbors that during the Town Meeting, the Bylaw can be debated to sway the voters. Mr. Carbone stated that the Board would be meeting with the Board of Selectmen at 7:45 p.m. this evening to discuss the Anti-Blight Bylaw. The Board would then meet after the Board of Selectmen meeting for further discussion.

Ms. Martin stated that with this Bylaw, what one person would consider unsightly is too subjective and that we are not able to support the amount of effort that is needed to come to terms and interpret the Bylaw. Therefore, Ms. Martin moved that the Board of Health disapprove of the Bylaw for the Town Meeting. Ms. Kruse seconded. Unanimous approval.

- **Mosquito Control – Best Management Practices/Vector Management Plans** – Mr. Carbone explained that the enclosed Best Management Practices (BMP) and Vector Management Plans (VMP) were the same as previous years. This was for the Board’s information only.
- **Risk-Based System of Food Establishment Inspection Program (Not on Agenda)** – Three High School female students who are developing the program joined the meeting to observe. The Board asked them to explain what they are planning for the project. They told the Board that they were going to set up a Risk-Based System of Food Establishment Inspection based on the type of food that is being served and then determine how many inspections a year would be required. They would determine which categories each establishment would be in. The first category would be establishments where pre-packaged foods are sold, such as in gas stations, which may only require one inspection per year. The second category would be food establishments where food is prepared, such as restaurants, which may require two inspections per year. The third category would be for establishments where a large volume of food is served, such as cafeterias and Nursing Homes, which may require three inspections per year. The Board was impressed with the students and is eager to see how the project proceeds.
- **Letter to Mr. Jack Pinney, 310 Salem Street, Beaver Issue** – Mr. Carbone explained to the Board that the trapping season for beavers runs to April 15th, so the Health Division is not able to issue any permits at this time. The condition at this property is not a health issue at this time because the flooding is not compromising

the septic system, only the yard. The homeowners can trap, but cannot put in a Beaver Deceiver without Conservation Commission approval.

- **MRSA Meeting** – Ms. Kruse asked about a talk about MRSA that was held in March at the Memorial Hall Library. Mr. Carbone explained that the meeting was organized by the Safety Committee and featured Betsy Land from the Department of Public Health, and was open to anyone who wanted to attend. The Safety Committee is comprised of town employees from the Police, Fire, Health, and School Departments, and has about twenty members. They are planning to bring Betsy back at a later date to do a specific training for the custodians. Mr. Carbone stressed to them that they should include both the school and the town custodians.

IV. Old Business

- **Natural Hazard Pre-Disaster Mitigation Plan** – Mr. Carbone explained that he had hoped that the Board of Selectmen would pass this a couple of weeks ago. The Board of Selectmen directed Mr. Carbone and Town Manager, Buzz Stapczynski, to meet with the Condominium Boards of Washington Park and Balmoral. Balmoral voted to support the plan, but Washington Park has not yet responded. The Board of Selectmen will vote on the Mitigation Plan after the discussion of hoarding and the Anti-Blight Bylaw this evening.
- **Ninety-Nine Restaurant Septic System** – Mr. Carbone explained that the restaurant is still open and is sending pumping records on a daily basis to the Health Division. The engineer, Jim Moran, was unable to do a percolation test due to the water table, and was planning on conducting a sieve analysis instead. If a sieve analysis is used instead of a percolation test, however, the restaurant will only be allowed to keep the original 90 seats unless they apply for a state variance. After discussion, the Board decided that they would expect a preliminary plan by the engineer to be ready by next Monday. If no plan is ready by then, the Board would expect a representative of the Ninety-Nine Restaurant to appear at the May 12, 2008 Board of Health Meeting for an explanation and/or update.
- **Society of Friars Septic System** – Mr. Carbone informed the Board that Mr. Ed Doherty, developer, told him that the approval letter had been filed at the Registry of Deeds, which was a requirement before the construction permits could be issued. However, Mr. Carbone had not yet received any proof of that submission.
- **Hoarding Task Force** – Mr. Carbone informed the Board that Ms. Patty Crafts, Health Agent had attended a meeting last week along with representatives from the Methuen and North Andover Health Departments. Unfortunately, the Hoarding Task Force has no funding for residents under the age of sixty. Funding is available through Elder Services only for residents over the age of sixty. Therefore, the group is hoping to write a Grant that would fund the continuation of the Hoarding Task Force.

- **Public Health Week** – Mr. Carbone informed the Board that staff set up a public health display and information tables with a lot of health related materials, such as pamphlets and free giveaways in the lobby at the Town Offices. Mr. Carbone informed the Board that the speaker from Elder Services was going to give a good program about Hoarding on April 8th in the Memorial Auditorium, and that several calls were received showing an interest in attending.
- **Salt Shed Update (Not on Agenda)** - Mr. Carbone informed the Board that the tight tank was approved by DEP to be used until 2010, and was told by the contractor that the construction could begin next week. The next step would be the design of the new Salt Shed. Mr. Carbone was planning to meet with Steve Boynton from the Fish Brook Watershed Advisory Committee along with the Transportation Management Association, Patty Leavenworth from the Mass Highway Department, and the District Engineer, to address the issues of the businesses in the area of River Road if the Salt Shed was to move there. The businesses are concerned with the aesthetics if the shed is moved near them. Mr. Carbone stated that the new site had to be near major roads that are easily accessible, away from residences and the drinking water supply. Ms. Kruse stated that the Board would have to be firm about the location even if the businesses object. There are several ways to hide the view of the Salt Shed and that issue along with others would be addressed at the meeting.

V. Subdivision Definitive Plans

- **34 & 36 Oriole Drive (Not on Agenda)** – Mr. Carbone stated that this property is two lots off Argilla Road and there is an existing dwelling on one of the lots. The soil conditions looked very good and there were no drainage issues. The Planning Board has not approved the plans yet, and Mr. Carbone was recommending approval with the typical conditions stated below.

Motion by Ms. Martin, seconded by Ms. Kruse to approve the Definitive Plan for 34 and 36 Oriole Drive with the following Conditions of Approval:

1. *Any modification, amendment, or change to the above-cited Definitive Plan shall be submitted as a new or modified Definitive Plan in accordance with the provisions of MGL Chapter 41, Section 81U.*
2. *Subject to Conservation Commission approval of the above dated plan by Order of Conditions or Negative Determination.*

Unanimous Approval

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approval:

Ms. Kruse moved to approve, seconded by Ms Martin. The Board voted unanimously to approve the following Local Upgrade Approval:

- 271 Salem St.-Allow a Sieve Analysis in Lieu of a Perc Test due to High Water Table

Unanimous approval.

B. B.S.I.P. – Ratify:

Ms. Martin moved to ratify, seconded by Ms. Kruse. The Board voted unanimously to ratify the following BSIP's:

5	Blueberry Hill Road	TM	43	TL	35
5	Charles Circle	TM	63	TL	16D
101	Cross Street	TM	205	TL	28
25	Enfield Drive	TM	120	TL	22
1	Ivana Drive	TM	86	TL	20
14	Prospect Road	TM	25	TL	42
5	Thresher Road	TM	108	TL	37

Unanimous approval.

C. S.S.A.P – Recommend Approval:

- N/A

D. S.S.U.P.– Recommend Approval:

- N/A

E. B.S.R.P. – Recommend Approval:

- N/A

VII. Staff Reports

A. Director's Report:

- **Important Dates:**
 - **April 15 @ 3 p.m.** – Annual Camp Training
 - **April 15 @ 7 p.m.** – Fish Brook Watershed Advisory Committee
 - **April 18 through 27** – Director's Vacation
 - **April 30 & May 1** – Annual Town Meeting
 - **May 12 @ 6 p.m.** – Board of Health Meeting
 - **May 20 @ 7 p.m.** – Fish Brook Watershed Advisory Committee – The meeting was changed from the 2nd Tuesday of the month to the 3rd Tuesday.

B. Nurses' Report for February and March, 2008 – The Nurses Reports were for informational purposes only.

C. Inspectors' Reports for March, 2008 – The Inspectors' Reports were for informational purposes only.

VIII. Board Member Reports:

- N/A

RECESS

Motion by Ms. Martin, seconded by Ms. Kruse to recess at 7:38 p.m. so the Board could attend the Board of Selectman Meeting to hear the vote concerning the Anti-Blight Bylaw. Unanimous approval.

Chairman Martin reconvened the Board of Health Meeting at 9:12 p.m. with Ms. Kruse and Mr. Carbone present.

- The Board discussed the strategy of how to address any amendments to the Anti-Blight Bylaw, and again why the Board chose to recommend disapproval. A Board of Health meeting will be posted for 6:00 p.m. on May 1st at the Field House so that the Board may discuss any possible amendment and make a recommendation if needed. If they have nothing to discuss, the meeting can be cancelled, and if an amendment is made on the floor, the Chairman has the right to speak for the Board if the reason for disapproval has not changed. Mainly, the Board feels that the addition of this bylaw will cause more work for municipal staff, taking their time away from other required issues.

Ms. Martin also spoke to how the town handles complaints in general from the community. She believes the town does not use all of its tools effectively, and filing a complaint can be intimidating. She believes there is a need to better assist residents through the complaint process, as well as a way to better communicate with those residents what actions are being taken to address those complaints.

IX. Adjournment

Motion by Ms. Martin, seconded by Ms. Kruse, to adjourn at 9:25 p.m. Unanimous approval.